

prototype for any omissions or errors . During such visit, Applicant wondered about the status of his Application, referenced herein above. The undersigned attorneys accessed the USPTO web site for a status report on said application and determined that an Action had been in fact sent out to Applicant on September 24, 2004. Applicant and his undersigned attorneys submit that, prior to November 19, 2004, neither he nor his undersigned attorneys ever received such Action from the USPTO.

Applicant's undersigned attorneys immediately notified the Examiner by telephone. The Examiner was unable to explain why the Applicant had not received a copy of the Action. However, the Examiner did direct the Applicant's undersigned attorneys to the site from where Applicant could download and print the Action.

Despite the downloading and printing of the Action on November 19, 2004, Applicant was severely prejudiced from the delayed receipt of the Action, a delay of almost two months, in that such delay has prevented the Applicant from completing: (a) his study of the prototype; (b) his comparison of the prototype to the application for any errors or omissions and for the accuracy of the description of Applicant's invention therein, since the application constitutes a constructive reduction to practice of the invention and was prepared without the benefit of such prototype; and c) a comparison of the present application and the claims therein to Himmel for a determination of the salient differences therein and the clear articulation of the reasons why Himmel does not anticipate the Applicant's invention.

On the basis of the forgoing amendments and remarks, Applicant respectfully and earnestly requests that consideration of this application is continued; doing otherwise would be a serious travesty of justice.

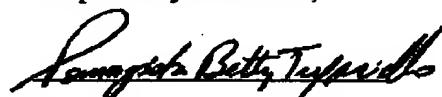
The Examiner's courtesies, patience and understanding are greatly appreciated. Further, the Examiner is invited to contact Applicant's attorney at the telephone number indicated below if it will advance the prosecution of this case.

Applicant's PTO Form 2038 authorizing payment by credit card in Support of Applicant's Request for Extension of Time, notwithstanding the two month delay in the receipt of the Action, is enclosed.

I hereby certify that the present communication is being transmitted via Facsimile (1-703-872-9306) to the U.S. Patent and Trademark Office on accordance with 37 CFR Section 1.6(a)(3) on Thursday, March 24, 2004, and addressed to: MAIL STOP AMENDMENT, Director of the U.S. Patent & Trademark Office, P.O. Box 1450, Alexandria VA 22313-1450.

Respectfully submitted,

Dated: 3/24/05



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3